

# The Odisha Gazette



EXTRAORDINARY  
PUBLISHED BY AUTHORITY

---

No. 2369 CUTTACK, MONDAY, DECEMBER 9, 2024/MARGASIRA 18, 1946

---

LABOUR & E.S.I. DEPARTMENT

NOTIFICATION

The 22nd October 2024

**S.R.O. No. 656/2024**—In pursuance of Section 17 of the Industrial Disputes Act. 1947 (14 of 1947), the award, dated the 13th September 2024 passed in the I.D. Case No.-12 of 2013 by the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Chairman-cum-Managing Director, OMFED-D-2, Sahid Nagar, Bhubaneswar-751007 2. The Plant Manager, Bhawanipatna Diary, OMFED, Bhawanipatna, Dist. Kalahandi and Shri Chinmaya Prasad Rout (Ex-Operator, Electrical), C/o Shri Nityananda Patra, Vill. Vhardipur, P.O. Chasipada, Via Amarda Road, Dist. Balasore-756030 was referred to for adjudication is hereby published as in the schedule below :—

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE NO. 12 of 2013

Dated the 13th September 2024

*Present :*

Smt. Aparna Mohapatra,  
Presiding Officer, Labour Court,  
Bhubaneswar.  
[JO CODE- OD- 0408]

*Between :*

- |  |    |                         |
|--|----|-------------------------|
| 1. The Chairman-cum-Managing Director,<br>OMFED-D-2, Saheed Nagar,<br>Bhubaneswar-751007.  | .. | First Party—Managements |
| 2. The Plant Manager,<br>Bhawanipatna Diary,<br>OMFED, Bhawanipatna,<br>Dist. : Kalahandi. |    |                         |

And

Shri Chinmaya Prasad Rout

(Ex-Operator, Electrical),

C/o Shri Nityananda Patra,

Vill. : Vhardipur, P.O. Chasipada,

Via Amarda Road,

Dist. : Balasore-756030

Second Party Work man

*Appearances :*

Shri R.. Routray &

.. For the First Party—Managements

Associates, Advocate

Shri Chinmaya Prasad Rout

.. For the Second Party—Workman himself

**AWARD**

Before going to pass any Award in apropos to the direction of the Hon'ble Court, a little reference to the backdrop of the proceeding needs to be reflected here.

On perusal of the case record, it is found that the second party with regard to his termination from service by M/s. Odisha State Co-operative Milk Producer's Federation (OMFED) vide its Order No. 0665, dated the 6th November 2010 had raised an industrial dispute before the Conciliation Officer-*cum*-District Labour Officer, Kalahandi, Bhawanipatna which was taken into conciliation, but as the conciliation of the said dispute could not be resolved amicably & mutually between the parties even after intervention of the concerned DLO, a Failure Report to that effect was submitted before the appropriate Govt., Accordingly, in exercise of powers conferred by sub-section (5) of Section 12 read with Clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called as "the ID act or the Act"), the State Government referred the matter to this Court vide Order No. IR(ID)-2/2013/2030/LESI, dated the 1st March 2013 for adjudication as per the schedule mentioned below :—

"Whether the tarmination of service of Shri Chinmaya Prasad Rout vide Order No. 0665, dated the 6th November 2010 by the management of M/s Odisha State Co-operative Milk Producer's Federation (OMFED) is legal or justified ? If not, what relief Shri Rout is entitled to ?"

It is further found that in earlier occasion. this Court (the then Presiding Officer of this Court) by an Award, dated the 23rd March 2015 had already dicided the question posed by the appropriate Govt. vide their above order of reference/schedule after hearing the parties on the following observations :—

"After analysing the materials on record, it is clear that the termination of the second party workman by the first party managements was due to efflux of time and by non-renewal of service. The second party has also received his one month salary in lieu of one month notice prior to his termination. Hence, the termination of the second party by the management vide Order No. 0665, dated the 6th November 2010 is legal and justified. The second party is not entitled to any other relief".

The second party being aggrieved with the findings of the Award, dated the 23rd March 2015 of this Court, preferred an Writ Petition to the Hon'ble High Court for their intervention vide WP(C) No. 23655 of 2015 which was disposed of on 9th October 2023 with the following Order :

"We set aside and quash impugned order. The matter is restored to the Labour Court for consideration on the question of reinstatement or compensation, for wrongful retrenchment in the facts and circumstances we have found".

So, keeping in view of the observations of the Hon'ble Court imparted in WP(C) No. 23655 of 2015, now it is to be considered as to what relief (i.e., either reinstatement or compensation) the second party is actually entitled to ? Pursuant to such order, the parties entered their appearance before this Court. As per above order of the Hon'ble Court, the second party has filed a petition-*cum*-calculation sheet on 10th April 2024 thereby claiming not only a sum of Rs. 32,69,358/- towards salary (for the period from the 31st October 2010 to 31st March 2024) coupled with bonus to the tune of Rs. 21,000/\_ for six years but also for his reinstatement in service on the ground of his unemployment till the date of filling of that petition. But, needless to say that as per the above observation of the Hon'ble Court, the second party is entitled to either compensation or reinstatement. However, the representative learned counsel of the managements while opposing the above proposal of the second party stated during the course of hearing that the Management No. 1 is ready to pay a sum Rs. 12 lakhas as compensation to the second party in compliance to the order of the Hon'ble Court to which the second party did not agree. But at last, both the parties in one voice in the open Court requested the Court for passing an Award on the point of reinstatement. This Court accordingly inclines to pass an Award with regard to the reinstatement of the second party in service. In view of the discussions made above, the second party is held to be reinstated in service with effect from the 6th November 2010 i.e., the date of his termination from service. The second party is accordingly entitled to wages (as per enhanced rate from time to time) from 6th November 2010 till the date of his actual reinstatement in service.

The first party managements are hereby directed to comply above (order for reinstatement of the second party as mutually agreed upon by the parties, so also for payment of wages to him with effect from the 6th November 2010) as per law in obedience of the Order of the Hon'ble High Court within two months of the date of its publication.

Dictated & corrected by me.

APARNA MOHAPATRA  
13-09-2024  
Presiding Officer  
Labour Court  
Bhubaneswar

APARNA MOHAPATRA  
13-09-2024  
Presiding Officer  
Labour Court  
Bhubaneswar

[No. 9209-LESI-IR-ID-0091/2024-LESI]

By order of the Governor

NITIRANJAN SEN

Additional Secretary to Government